

August 1, 2006

August First

20-----06

The regular August Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., John C. Hamlin, T. David Luther, T. Wayne Oakes, Vice-Mayor Sherman M. Saunders, and Mayor R. Wayne Williams, Jr. (7). Council Members E. Stokes Daniels and Adam J. Tomer were absent (2).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, City Attorney W. Clarke Whitfield, Jr., and City Clerk Annette Y. Crane, CMC.

Department/Division Directors present were Transportation Services Director Marc Adelman, Economic Development Director Ron Bunch, Finance Director Barbara Dameron, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Community Development Coordinator Anne Moore, Parks, Recreation, and Tourism Director Bill Sgrinia, and Deputy Public Works Director/City Engineer Kent Shelton.

Mayor Williams presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member David Luther offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **COMMUNICATIONS FROM VISITORS**

Mayor Williams recognized former City Council Member Therit Winstead. Dr. Williams acknowledged that Mr. Winstead had served on Council from 1970 to 1982.

Mr. Winstead stated he was before Council in the interest of all citizens. Mr. Winstead said he felt he had received unfair treatment concerning his Ghost Tree Island property, which is located at or near the River Trail. He said tree service companies working for the City had removed some giant sycamores from his property that were 100 to 200 years old and no one from the City had informed him of the removal. Mr. Winstead stated he was concerned about the liability of the public on his property and the bulldozing of a 15 ft.- to 20 ft.-wide path through the entire island. He stated he felt that if he had been a part of the planning of the trail along his property, he would have gladly given an easement in an effort to save those trees and to make it an enjoyable area for the public.

Mr. Winstead further advised that out of concern for the island, the liability to the public using his property, and the City's

August 1, 2006

not contacting him, he asked his attorney to inform the City of the problem and request a meeting with city officials to plan a solution. Mr. Winstead advised that following a title search of the property by the City, a meeting date and time was agreed upon. He stated that during the meeting, Deputy City Manager Lacy advised the City would like to purchase the island or obtain a 32 ft.-wide easement. Mr. Winstead stated he had received no apology, offer, or arrangement to settle anything. Mr. Winstead informed Council that because he had been unable to converse with City Manager Gwaltney, he had closed off Ghost Tree Island. He concluded by advising that City Attorney Whitfield and City Manager Gwaltney had spoken with him on Monday and had agreed to meet with him.

Mayor Williams thanked Mr. Winstead for bringing his concerns to Council.

#### **MINUTES**

Upon Motion by Council Member Oakes and second by Council Member Hamlin, Minutes of the July 18, 2006 Regular Meeting were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting. The Minutes were approved by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

#### **BUDGET ADOPTION - FY 2006-2007 - COMMISSION OF THE ARTS GRANT**

Upon Motion by Council Member Luther and second by Council Member Hamlin, Ordinance No. 2006-07.23 presented by its First Reading on July 18, 2006 amending the Fiscal Year 2006-2007 Budget Appropriation Ordinance to provide for a Virginia Commission for the Arts Grant in the amount of \$5,000 and to provide for the local share in the amount of \$5,000 for a total grant of \$10,000 was adopted by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

#### **HEARING - AMEND 2020 LAND USE PLAN AND REZONE 56 VANDOLA ROAD**

Mayor Williams opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan and rezone property located at 56 Vandola Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July

August 1, 2006

18 and 25, 2006. Applicant Keith Fields appeared to answer questions from Council Members and citizens.

Mr. Fields stated he had plans to construct a twenty-six (26) unit attached residential dwellings and requesting that Council approve an amendment to the Year 2020 Land Use Plan for property located at 56 Vandola Road. Mr. Fields distributed sketches of the proposed residences to Council Member for their review.

Patsy Cote, Rhonda Doss, Dennis Pyrtle, William Bryant, John Cherochak, and Christine Cherochak all opposed the construction, citing traffic concerns, disturbance of peace and tranquility, devaluation of existing properties, property in question not meeting the 5-acre limit for such housing, the area being a mosquito breeding ground, and barrier and privacy issues.

Rhonda Doss expressed concern about the lay of the land on which Mr. Field's proposed to construct the homes. She said the property was located behind her home and was a ravine with a stream running through it that would require tons of fill dirt and there would be noise from machinery before the actual construction began.

Council Member Luther questioned the practicality of constructing homes on a ravine with a stream running through it.

Eva Carter spoke in favor of Mr. Field's proposal. She stated the homes would increase property values and that residents needed to be willing to accept change. Ms. Carter said she felt the new homes would make Vandola residents proud of their area.

In response to Council Member Oakes, Mr. Fields stated he would be glad to provide the proper buffering and had attempted to address neighbors concerns about cramped housing. He said he never intended to make the neighbors miserable.

Jerry Gentry, a resident of Vandola Road, stated his home was located near a holding pond and was experiencing mosquito infestation. Council Member Castiglione asked staff to look into the issue of the holding pond near Mr. Gentry's property to see if anything could be done to alleviate Mr. Gentry's concerns.

(Clerk's Note: A petition containing the signatures of approximately thirty (30) area residents had been distributed to Council Members and staff prior to the meeting).

Mayor Williams thanked everyone for expressing their concerns before Council.

No one further desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of an Ordinance entitled:

August 1, 2006

ORDINANCE NO. 2006-08.01

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM SUBURBAN SINGLE-FAMILY RESIDENTIAL TO ATTACHED AND MIXED RESIDENTIAL AND REZONING FROM S-R SUBURBAN RESIDENTIAL TO "CONDITIONAL" A-R ATTACHED RESIDENTIAL DISTRICT, 56 VANDOLA ROAD.

Council Member Hamlin seconded the Motion.

Council Member Castiglione stated that during discussions in 2004 pertaining to the new zoning code, it was decided some issues such as this one would be dealt with on a case-by-case basis. Mr. Castiglione said he felt uncomfortable with this issue because there seemed to have been a lack of communication and asked Planning Director Gillie to address the lack of the 5-acre limit in this case.

Mr. Gillie responded that the Planning Commission and Council had the option of approving something that did not meet the letter of the law, such as the fact that Mr. Field's acreage was only 4.32 acres when the code requires at least 5 acres.

In response to Vice-Mayor Saunders, Mr. Gillie said if Council approved amending the Land Use Plan this evening, the only recourse for the residents was to challenge the street lay-out before Council. They would have to challenge the amendment to the Land Use Plan in court. Mr. Saunders expressed discomfort at approving something with this much opposition from area residents.

The Motion **FAILED** by the following vote:

VOTE: 0-7  
AYE: None (0)  
NAY: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
ABSENT: Daniels and Tomer (2).

**HEARING-SPECIAL USE PERMIT-WAIVE FIVE-ACRE MINIMUM-56 VANDOLA**

Upon Motion by Council Member Hamlin and second by Vice-Mayor Saunders, the public hearing and ordinance pertaining to the issuance of a Special Use Permit to waive the 5-acre minimum at 56 Vandola Road was **removed** from the agenda.

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**HEARING -SPECIAL USE PERMIT-TWO UNIT DWELLING-138 DEWEY PLACE**

Mayor Williams opened the floor for a Public Hearing to consider a request for a Special Use Permit to construct a two-unit

August 1, 2006

attached residential dwelling on property located at 138 Dewey Place. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 18 and 25, 2006. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-08.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CONSTRUCT A TWO (2) UNIT ATTACHED RESIDENTIAL DWELLING IN ACCORDANCE WITH ARTICLE 3.E (C) (1) OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA AT 138 DEWEY PLACE.

The Motion was seconded by Council Member Luther and carried by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders, and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**BUDGET AMENDMENT- FY 2006-2007 - AIRPORT MAINTENANCE GRANT**

Upon Motion by Council Member Castiglione and second by Council Member Hamlin, an Ordinance entitled:

ORDINANCE NO. 2006-08.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS FOR MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$100,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$25,000 FOR A TOTAL APPROPRIATION OF \$125,000 AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**BUDGET AMENDMENT - FY 2006 - 2007 - BUILDING IMPROVEMENTS-HEALTH DEPARTMENT**

Upon Motion by Council Member Oakes and second by Council Member Castiglione, an Ordinance entitled:

ORDINANCE NO. 2006-08.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING REVENUES FROM THE VIRGINIA DEPARTMENT OF HEALTH FOR BUILDING IMPROVEMENTS AT THE LOCAL HEALTH DEPARTMENT OFFICE IN THE AMOUNT OF \$65,191 AND APPROPRIATING SAME

August 1, 2006

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**CONVEY DECLARED CITY-OWNED SURPLUS PROPERTY AS A DONATION**

Council Member Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2006-08.05

AN ORDINANCE DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY AS A DONATION.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**CODE AMENDMENT - CHAPTER 2 - ARTICLE XIV - TOURISM BOARD**

City Attorney Whitfield advised there had been an amendment to the City Code relating to the Tourism Board since agenda packages had been distributed. He called attention to page 5 of the Ordinance. Mr. Whitfield advised the wording "*An inaugural meeting of the Tourism Board shall be held at noon on August 3, 2002, for the sole purpose of appointing an 'at-large' representative, a chairman and vice-chairman*" was removed from the Ordinance since the inaugural meeting had taken place in 2002.

Council Member Castiglione moved adoption of an Ordinance, as amended, entitled:

ORDINANCE NO. 2006-08.06

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE XIV, ENTITLED "TOURISM BOARD," OF CHAPTER 2, ENTITLED "ADMINISTRATION," OF THE DANVILLE CITY CODE IN ORDER TO UPDATE TOURISM BOARD REGULATIONS.

The Motion was seconded by Council Member Luther and carried by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**APPROVE FY 2006-2007 COMMUNITY SERVICES PERFORMANCE CONTRACT**

August 1, 2006

Council Member Archie moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-08.01

A RESOLUTION APPROVING THE FISCAL YEAR 2006-2007 PERFORMANCE CONTRACT FOR DANVILLE-PITTSYLVANIA COMMUNITY SERVICES.

The Motion was seconded by Council Member Oakes and carried by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

Council Members Archie and Castiglione expressed sincere appreciation to Community Services Executive Director Lenard Lackey, who was present for the meeting, for the wonderful work the organization does for Danville and the surrounding community.

**PETITION TRANSPORTATION BOARD-TRANSFER CERTAIN PROPERTY TO CITY**

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-08.02

A RESOLUTION PETITIONING THE COMMONWEALTH OF VIRGINIA TRANSPORTATION BOARD TO TRANSFER CERTAIN REAL PROPERTY TO THE CITY OF DANVILLE.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 7-0  
AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**REIMBURSEMENT CONTRACT - MARSHALL - COLLEGE PARK DRIVE EXTENSION**

Council Member Oakes moved adoption of a Resolution entitled:

RESOLUTION NO. 2006-08.03

A RESOLUTION APPROVING A REIMBURSEMENT CONTRACT BETWEEN THE CITY AND ROBERT T. AND MARGARET D. MARSHALL FOR A SANITARY SEWER MAIN EXTENSION TO SERVE SIXTEEN (16) LOTS ON COLLEGE PARK DRIVE EXTENSION.

The Motion was seconded by Council Member Archie and carried by the following vote:

VOTE: 7-0

August 1, 2006

AYE: Archie, Castiglione, Hamlin, Luther, Oakes, Saunders,  
and Williams (7)  
NAY: None (0)  
ABSENT: Daniels and Tomer (2).

**COMMUNICATIONS**

There were no communications from the City Manager, Deputy City Manager, City Attorney, and City Clerk.

**ROLL CALL**

Council Member Castiglione thanked the Danville Regional Foundation for their generous contribution to Danville Community College, which will allow for the construction of a Health Sciences Building on the campus. He stated this would benefit the entire community.

Mayor Williams reported he had attended the dedication of the Wendell Scott Community sign on Saturday, July 29. He said it was a wonderful community event and was well attended.

Dr. Williams stated the \$1.7 million donation from the Danville Regional Foundation to the Danville-Pittsylvania Regional Industrial Facility Authority was a nice surprise that would allow completion of the Research building located behind the Institute. Dr. Williams is current Chairman of the Authority.

The Meeting adjourned at 8:25 P.M.

---

MAYOR

---

CLERK